

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

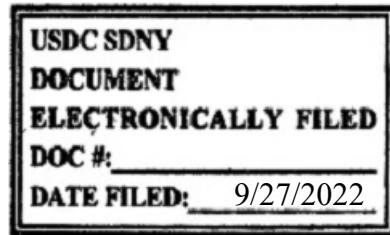
DAVID JOHNSON,

Plaintiff,

-against-

KILOLO KIJAKAZI, Commissioner of  
Social Security,

Defendant.



20-CV-2630 (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The Court has received and reviewed plaintiff David Johnson's motion for attorney's fees and accompanying papers (Dkts. 42-44) and the Commissioner's responding letter (mistakenly filed as a "reply memorandum of law") (Dkt. 45) arguing, among other things, that "this Court must award the full Section 406(b) fee" of \$32,397.25, and direct counsel to "refund to Plaintiff the \$10,739.08 awarded as EAJA fees" rather than award a "'net' Section 406(b) fee of \$21,658.17." No later than **October 3, 2022**, plaintiff shall file a reply on this point, advising the Court whether plaintiff wishes to revise his motion to request a Section 406(b) award of \$32,329.75 to his counsel, upon receipt of which counsel will refund the \$10,739.08 to plaintiff.

Dated: New York, New York  
September 27, 2022

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Barbara Moses".

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**BARBARA MOSES**  
United States Magistrate Judge